

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

PLANT PEST CONTROL DIVISION

NOTICES OF JUDGMENT UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Nos. 332-351

The following notices of judgment relate to cases arising in the United States District Courts and are approved for publication as provided in section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135d).

B. T. SHAW

Administrator, Agricultural Research Service

WASHINGTON, D.C., Nov. 24, 1961.

332. Lack of registration of "FLY BAN INSECTICIDE CORD." U.S. v. 4,198 containers, more or less, of "FLY BAN INSECTICIDE CORD." Consent decree of condemnation and release of the product under bond for the purpose of bringing product into compliance with the act. (I.F. & R. No. 362. I.D. No. 38545.)

The product "FLY BAN INSECTICIDE CORD" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On September 2, 1960, the United States District Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 4,198 containers, more or less, of "FLY BAN INSECTICIDE CORD" at Manchester, N.H., alleging the product was an economic poison which had been transported interstate on or about July 14, 1960, by C-Jay-C Chemicals, Ltd., from Little Bras d'Or, Nova Scotia, Canada, in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

C-Jay-C Chemicals, Ltd., Little Bras d'Or, Nova Scotia, Canada, claimed ownership of the product and requested its release under bond for the purpose of bringing it into compliance with the Federal Insecticide, Fungicide, and Rodenticide Act.

On May 31, 1961, a consent decree of condemnation was entered and it was ordered by the Court that the product be released to the claimant under bond.

333. Lack of registration, misbranding, and adulteration of "NORKEM MALATHION GRAIN PROTECTANT." U.S. v. 660 forty-pound bags, more or less, of "NORKEM MALATHION GRAIN PROTECTANT." Consent decree of condemnation and destruction. (I.F. & R. No. 391. I.D. No. 39805.)

The product "NORKEM MALATHION GRAIN PROTECTANT," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. It was also misbranded and adulterated in that it contained less malathion than claimed.

On May 9, 1961, the United States Attorney for the Eastern District of Washington, Southern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 660 forty-pound bags, more or less, of "NORDEM MALATHION GRAIN PROTECTANT" at Yakima, Wash., and alleging that the product was an economic poison which had been transported interstate on or about July 3 and July 13, 1959, by De-Pester Western, Inc., from Fresno, Calif., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the product was misbranded within the meaning of the act in that its label stated in part:

"MALATHION (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate)	1%
(PREMIUM GRADE MALATHION)	99%
INERT	

* * *

and such statements were false or misleading since they implied or represented that the product contained 1% of malathion and 99% of inert ingredients; whereas, the product contained less than 1% malathion and more than 99% of inert ingredients.

It was further alleged that the product was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling since its labeling bore the statements:

"MALATHION (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate)	1%
(PREMIUM GRADE MALATHION)	99%
INERT	

* * *

and such statements represented that the product contained 1% of malathion and 99% of inert ingredients; whereas, the product contained less than 1% of malathion and more than 99% of inert ingredients.

On June 12, 1961, a consent decree of condemnation was entered and the United States Marshal was ordered to destroy the product.

334. Lack of registration and misbranding of "BRISK AIR SANITIZER." U.S. v. 369 one-pound containers, more or less, of "BRISK AIR SANITIZER." Consent decree of condemnation and release of the product under bond for purpose of bringing it into compliance with the act. (I.F. & R. No. 374. I.D. No. 39207.)

The product, "BRISK AIR SANITIZER," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and its label failed to bear an ingredient statement.

On January 23, 1961, the United States Attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 369 one-pound containers, more or less, of "BRISK AIR SANITIZER" at Oklahoma City, Okla., and alleging that the product was an economic poison which had been transported interstate by Chase Products Co., on or about July 18, and September 29, 1960, from Broadview, Ill., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

Chase Products Co., Broadview, Ill., claimed ownership of the product and requested its release under bond for the purpose of bringing it into compliance with the Federal Insecticide, Fungicide, and Rodenticide Act. On June 26, 1961, a consent decree of condemnation was entered and it was ordered by the court that the product be released to the claimant under bond.

335. Misbranding of "TOMAC PERMACHEM #21" and "TOMAC PERMACHEM #51." U.S. v. 76 four-ounce containers, more or less, of "TOMAC PERMACHEM #21" and 31 one-gallon containers, more or less of "TOMAC PERMACHEM #51." Decree of condemnation, forfeiture, and destruction. ((I.F. & R. No. 384. I.D. Nos. 39227 and 39229.)

The products, "TOMAC PERMACHEM #21" and "TOMAC PERMACHEM #51" were misbranded in that when used as directed they were ineffective as hospital disinfectants for the uses claimed on the labels.

On March 21, 1961, the United States Attorney for the Western District of Missouri, Western Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 76 four-ounce containers, more or less, of "TOMAC PERMACHEM #21" and 31 one-gallon containers, more or less, of "TOMAC PERMACHEM #51" at North Kansas City, Mo., and alleging that the product "TOMAC PERMACHEM #21" had been transported interstate on or about December 27, 1960 and the product "TOMAC PERMACHEM #51" had been transported interstate on or about October 12 and October 21, 1960 by Permachem Corp., from West Palm Beach, Fla., in violation of the act.

It was alleged that the product "TOMAC PERMACHEM #21" was misbranded within the meaning of the act in that its labeling bore the statements :

(Container label)

"Tomac	Permanent
permachem	Antiseptic

#21

FOR USE AS

surface spray

ON HOSPITAL WALLS, DRAPES, MATTRESSES,
ETC. IN ACCORDANCE WITH DIRECTIONS FOR
DILUTION AND USE AS A COARSE WET SPRAY
IN ACCOMPANYING CIRCULAR.

Fully hospital tested. A disinfectant with long-lasting antiseptic effectiveness.

For use quarterly or semiannually, as directed.

* * *

(Accompanying labeling)

"Tomac	Permanent
permachem	Antiseptic

#21

FOR USE AS

surface spray

ON HOSPITAL WALLS, DRAPES, MATTRESSES,
ETC. IN ACCORDANCE WITH DIRECTIONS FOR
DILUTION AND USE AS A COARSE WET SPRAY

Fully hospital tested. A disinfectant with long-lasting antiseptic effectiveness. For use quarterly or semiannually, as directed. Kills most bacteria that can cause infection, odors, mildew, molds and decay.

DIRECTIONS FOR USE

Pour contents into a clean five gallon plastic or glass container and mix thoroughly. Apply Tomac-Permachem 21 as so diluted with a power sprayer which delivers a coarse wet spray of 55-micron particle size or larger using a hand power sprayer such as the Hudson Wizard 301. Apply one gallon of the Tomac-Permachem 21-and-water solution from two to four times per year (depending

on the particular hospital's degree of air contamination by dirt) to the walls and ceilings enclosing 10,000 cubic feet. Moisten surfaces thoroughly but not to the point where the solution drips or runs.

As with other sprays, individuals who apply Tomac-Permachem 21 should wear goggles and a surgical mask. After spraying, air room for 15 minutes before putting into use. Tomac-Permachem may be used to spray wall and ceiling surfaces, furniture, drapes, curtains, mattresses, other inanimate objects where the disinfectant action of the Tomac-Permachem 21 is desired.

* * *

and such statements were false or misleading since they implied or represented that the product, when used as directed, would disinfect hospital walls, drapes, mattresses, furniture, curtains, ceiling surfaces and all other articles and surfaces implied by the terms "etc." and "other inanimate objects"; whereas, the product when used as directed, would not disinfect hospital walls, drapes, mattresses, furniture, curtains, ceiling surfaces or all other articles or surfaces implied by the terms "etc." and "other inanimate objects."

It was alleged that the product "TOMAC PERMACHEM #51" was misbranded within the meaning of the act in that its labeling bore the statements:

"Tomac

Permanent
Antiseptic

permachem
#51

FOR USE IN

WASHING AND

MOPPING WATER

Kills most bacteria and fungi that can cause infection, odors,
mildew, mold and decay.

FULLY HOSPITAL TESTED. A DISINFECTANT WITH
LONG-LASTING ANTISEPTIC EFFECTIVENESS.

For hospital use in floor mopping and pail solutions for washing bed-frames, bedside tables, windowsills, walls and in other normal cleaning operations in accordance with directions for dilution.

DIRECTIONS FOR USE

Use one ounce of this concentrate for each gallon of washing or mopping water required. Stir. Wash inanimate objects or mop floors as usual. For convenience when more than one gallon of water is being used at a time, pump one ounce for each gallon in plastic cup, then pour into container being used.

* * *

and such statements were false or misleading since they implied or represented that the product, when used as directed, would disinfect hospital floors, bed-frames, bedside tables, windowsills, and walls; whereas, the product, when used as directed, would not disinfect hospital floors, bedframes, bedside tables, windowsills, or walls.

On May 16, 1961, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the products.

336. Lack of required information and misbranding of "CHLORO IPC GRANULES." U.S. v. 400 fifty-pound bags, more or less, of "CHLORO IPC GRANULES." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 372. I.D. No. 38841.)

The product "CHLORO IPC GRANULES" was intended to be used as an economic poison within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, and had been shipped in fifty-pound bags which were unlabeled and failed to bear information required by the act.

On January 10, 1961, the United States Attorney for the Eastern District of Washington, Southern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 400 fifty-pound bags, more or less, of "CHLORO IPC GRANULES" at Yakima, Wash., and alleging that the product was an economic poison which had been transported interstate on or about May 15, 1958, by Jack Wilson Chemical Company, from Stockton, Calif., in violation of the act.

It was alleged that the product did not bear a label setting forth (1) the name and address of the manufacturer, registrant, or person for whom manufactured; (2) the name, brand, or trade-mark under which the product was sold; and (3) a statement of the net weight or measure of the contents of the container.

It was alleged that the product was misbranded within the meaning of the act in that it did not bear a label setting forth an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredient, in the product.

It was further alleged that the product was misbranded within the meaning of the act in that its labeling did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public.

On June 8, 1961, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product, with the exception of ten bags of the product, which were to be released from his custody to the custody of Jack Wilson for the purpose of introduction into evidence in an action pending in the District Court of the United States, Northern District of California, Southern Division, the said ten bags to be returned to the United States Marshal for the Eastern District of Washington for destruction.

337. Lack of registration of "SPEEDLITE BF-811." U.S. v. two 45-gallon drums, more or less, of "SPEEDLITE BF-811." Consent decree of condemnation and release under bond. (I.F. & R. No. 386. I.D. Nos. 39801 and 39802.)

The product, "SPEEDLITE BF-811," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On March 23, 1961, the United States Attorney for the Western District of Washington, Northern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of two 45-gallon drums, more or less, of "SPEEDLITE BF-811" at Seattle, Wash., and alleging that the product was an economic poison which had been transported interstate on or about January 31 and February 21, 1961, by Patek & Co., from San Francisco, Calif., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

Patek & Co., San Francisco, Calif., a corporation, claimed ownership of the product and on June 9, 1961, a consent decree of condemnation was entered and it was ordered that the product be released to the claimant under bond.

338. Misbranding and adulteration of "I-CLEAR A LIQUID GERMICIDE FOR SWIMMING POOL WATER," and lack of required information and misbranding of "C-CLEAR FOR THE CONVENIENT TREATMENT OF SWIMMING POOL WATER." U.S. v. 226 one-pint bottles, more or less, of "I-CLEAR A LIQUID GERMICIDE FOR SWIMMING POOL WATER;" 9 cases, more or less, each containing 214 packages of "C-CLEAR FOR THE CONVENIENT TREATMENT OF SWIMMING POOL WATER;" and 200 circulars, more or less, bearing the statement, "FACTS I-CLEAR: A PLEASANT LEMON-CLEAR IODINE." (I. F. & R. No. 395. I.D. Nos. 37790, 37791.)

Upon examination, the product "I-CLEAR A LIQUID GERMICIDE FOR SWIMMING POOL WATER," was found to contain less available iodine than claimed and when used as directed, it was found that the product did not contain 0.5 ppm of iodine. The product was also misbranded in that it bore labeling which claimed or implied that it was recommended and endorsed by the U.S. Department of Agriculture; whereas, it was not. The label for the product, "C-CLEAR FOR THE CONVENIENT TREATMENT OF SWIMMING POOL WATER," did not bear a statement giving the name, brand or trademark under which the article was sold, or a statement of net weight or measure of the content, or a statement giving the name and address of the manufacturer, registrant or person for whom manufactured. The product was also misbranded in that its label did not bear an ingredient statement and directions for use.

On May 22, 1961, the United States Attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel, praying seizure for condemnation and confiscation of 226 one-pint bottles, more or less, of "I-CLEAR A LIQUID GERMICIDE FOR SWIMMING POOL WATER;" 9 cases, more or less, each containing 214 packages of "C-CLEAR FOR THE CONVENIENT TREATMENT OF SWIMMING POOL WATER;" and 200 circulars, more or less, bearing the statement, "FACTS I-CLEAR: A PLEASANT LEMON-CLEAR IODINE," at Oklahoma City, Okla., and alleging that the products were economic poisons which had been transported interstate on or about July 30 and September 21, 1960, by Barron Sales Corp., from Dallas, Texas, in violation of the act.

It was alleged that the product, "I-CLEAR A LIQUID GERMICIDE FOR SWIMMING POOL WATER," was misbranded within the meaning of the act in that its labeling bore the statements:

(Circular)

"U.S. DEPARTMENT OF AGRICULTURE: I-CLEAR claims have been cleared and accepted by the U.S. Department of Agriculture."

(Label)

"A 13% Available Iodine

I-CLEAR

* * *

DIRECTIONS

INITIAL TREATMENT: Four pints of I-CLEAR to 30,000 gallons of swimming pool water.

WEEKLY TREATMENT: One pint of I-CLEAR to 30,000 gallons of swimming pool water.

METHOD: Pour directly into pool or feed through normal chemical pump. For color intensification and flocculation use our companion product CHEM CLEAR.

TESTING: With standard OTO test kit maintain 0.5 ppm. Allow test of sample water to stand approximately 30 minutes to reach maximum color.

ACTIVE INGREDIENTS:

Nonylphenoxy poly (ethyleneoxy) ethanol-Iodine Complex (providing 13% available iodine)	50%
--	-----

INERT INGREDIENTS:	50%
--------------------	-----

* * *

and such statements were false or misleading since they implied or represented (1) that the product contained 13% of available iodine, (2) that water treated with the product as directed would contain 0.5 ppm of iodine, and (3) that the product was recommended and endorsed by the United States Department of Agriculture; whereas, (1) the product contained less than 13% of available iodine, (2) water treated with the product as directed would contain less than 0.5 ppm of iodine, and (3) the product had not been recommended or endorsed by the U.S. Department of Agriculture.

It was further alleged that the product "I-CLEAR A LIQUID GERMICIDE FOR SWIMMING POOL WATER," was adulterated within the meaning of the act in that its strength or purity fell below the professed standard or quality as expressed on its labeling, since the labeling bore the statements:

"ACTIVE INGREDIENTS:

Nonylphenoxypoly (ethyleneoxy)

ethanol-Iodine Complex

(providing 13% available iodine)

50%

INERT INGREDIENTS:

50%

* * *

and such statements represented that the product contained 13% of available iodine; whereas, the product contained less than 13% of available iodine.

It was alleged that the product, "C-CLEAR FOR THE CONVENIENT TREATMENT OF SWIMMING POOL WATER," was misbranded within the meaning of the act in that the labels on its immediate containers did not bear a statement of (1) the name and address of the manufacturer, registrant, or person for whom manufactured, (2) the name, brand, or trademark under which said product was sold, or (3) the net weight or measure of the contents of the containers.

It was further alleged that the product, "C-CLEAR FOR THE CONVENIENT TREATMENT OF SWIMMING POOL WATER," was misbranded within the meaning of the act in that its labels did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

It was further alleged that the product, "C-CLEAR FOR THE CONVENIENT TREATMENT OF SWIMMING POOL WATER," was further misbranded within the meaning of the act in that its labeling did not contain directions for use which are necessary, and if complied with, adequate for the protection of the public.

On July 13, 1961, no claimant having appeared, a decree of condemnation was entered and it was ordered that the United States Marshal deliver the products to the Federal Reformatory at El Reno, Okla., for use only as a general disinfectant and that the United States Marshal destroy the accompanying labeling.

339. Lack of registration and misbranding of "LAWTON INSECT KILLER BOMB." U.S. v. 116 containers, more or less, of "LAWTON INSECT KILLER BOMB." Consent decree of condemnation and release under bond. (I.F. & R. No. 378. I.D. No. 38903.)

The product "LAWTON INSECT KILLER BOMB" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. The product was misbranded in that its label bore a false or misleading statement.

On February 16, 1961, the United States Attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 116 containers, more or less, of "LAWTON INSECT KILLER BOMB" at Jacksonville, Fla., and alleging that the product was an economic poison which had been transported interstate on or about December 1, 1960, by Aerosol Corporation of the South, from Arlington, Tenn., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that its label bore the unqualified statement:

**"LAWTON BROTHERS
249—E. 8th Street
Jacksonville, Florida"**

and such statement was false or misleading since it implied or represented that Lawton Brothers, 249—E. 8th Street, Jacksonville, Florida, was the manufacturer of the product; whereas, Lawton Brothers, 249—E. 8th Street, Jacksonville, Florida, was not the manufacturer of the product.

Aerosol Corporation of the South, Arlington, Tenn., and Lawton Brothers, Jacksonville, Fla., claimed ownership of the product and requested its release under bond for the purpose of bringing the product into compliance with the act, and consented to the entry of a condemnation decree. On May 22, 1961, a decree of condemnation was entered and it was ordered that the product be released to the claimants under bond.

340. Lack of registration and misbranding of "SURDEATH NON-TOXIC PYROCIDE INSECT SPRAY." U.S. v. 188 containers, more or less, of "SURDEATH NON-TOXIC PYROCIDE INSECT SPRAY." Consent decree of condemnation and release under bond. (I.F. & R. No. 379. I.D. No. 38904.)

The product "SURDEATH NON-TOXIC PYROCIDE INSECT SPRAY" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. The product was misbranded in that its label bore a false or misleading statement.

On February 16, 1961, the United States Attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 188 containers, more or less, of "SURDEATH NON-TOXIC PYROCIDE INSECT SPRAY" at Jacksonville, Fla., and alleging that the product was an economic poison which had been transported interstate on or about December 7, 1960, by Aerosol Corporation of the South, from Arlington, Tenn., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that its label bore the unqualified statement:

"UNIVERSAL MFG. & SUPPLY CO.
1051 Walnut Street
Phone: EL. 6-8640
Jacksonville, Florida"

and such statement was false or misleading since it implied or represented that the Universal Mfg. & Supply Co., 1051 Walnut Street, Jacksonville, Fla., was the manufacturer of the product; whereas, the Universal Mfg. & Supply Co., 1051 Walnut Street, Jacksonville, Fla., was not the manufacturer of the product.

Aerosol Corporation of the South, Arlington, Tenn., and Universal Mfg. & Supply Co., Jacksonville, Fla., claimed ownership of the product and requested its release under bond for the purpose of bringing the product into compliance with the act, and consented to the entry of a condemnation decree. On May 22, 1961, a decree of condemnation was entered and it was ordered that the product be released to the claimants under bond.

341. Lack of registration of "SANI-DINE IODINE SANITIZER AND DISINFECTANT" and "SANO-KOL CHLORINATED STERILIZER AND DISINFECTANT." U.S. v. 23 one-gallon containers, more or less, of "SANI-DINE IODINE SANITIZER AND DISINFECTANT" and 43 one-gallon containers, more or less, of "SANO-KOL CHLORINATED STERILIZER AND DISINFECTANT." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 380. I.D. Nos. 38777 and 38778.)

The products "SANI-DINE IODINE SANITIZER AND DISINFECTANT" and "SANO-KOL CHLORINATED STERILIZER AND DISINFECTANT" were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On February 16, 1961, the United States Attorney for the Southern District of Ohio, Western Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 23 one-gallon containers, more or less, of "SANI-DINE IODINE SANITIZER AND DISINFECTANT" and 43 one-gallon containers, more or less, of "SANO-KOL CHLORINATED STERILIZER AND DISINFECTANT" at Dayton, Ohio, and alleging that the products were economic poisons which had been transported interstate on or about January 18, 1961, by Elwood Chemical Co., from Detroit, Mich., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required by section 4 of the act.

On March 22, 1961, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the products.

342. Misbranding of "GLASS WAX, GLASS AND METAL CLEANER." U.S. v. 9,100 cases, more or less, twelve 13-ounce containers; 595 cases, more or less, twelve 23-ounce containers; 125 cases, more or less, six 128-ounce containers; and 495 cases, more or less, twenty-four 6-ounce containers, of "GLASS WAX, GLASS AND METAL CLEANER." Consent decree of condemnation and release under bond. (I.F. & R. No. 389. I.D. Nos. 37964, 37966, 37967.)

The product, "GLASS WAX, GLASS AND METAL CLEANER," was misbranded under the Federal Insecticide, Fungicide, and Rodenticide Act, in that it was ineffective for disinfecting the articles named on its label.

On April 3, 1961, the United States Attorney for the Northern District of Illinois, Eastern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 6,300 cases, more or less, twelve 13-ounce containers; 100 cases, more or less, twelve 23-ounce containers; 50 cases, more or less, six 128-ounce containers, of "GLASS WAX, GLASS AND METAL CLEANER," at Chicago, Ill., and alleging that the product was an economic poison which had been transported interstate on or about December 6, 1960 and January 11, 1961, by R. M. Hollingshead Corp., from Camden, N.J.; 1,500 cases, more or less, twelve 13-ounce containers; 240 cases, more or less, twelve 23-ounce containers; 50 cases, more or less, six 128-ounce containers; and 395 cases, more or less, twenty-four 6-ounce containers which were shipped on or about February 14, 1961 by Gold Seal Co., Inc., from Atlanta, Ga.; 1,300 cases, more or less, twelve 13-ounce containers; 255 cases, more or less, twelve 23-ounce containers; 25 cases, more or less, six 128-ounce containers; and 100 cases, more or less, twenty-four 6-ounce containers which were shipped on or about February 17, 1961 by Union Terminal Warehouse Co., from Jacksonville, Fla., in violation of the act.

It was alleged that the product was misbranded within the meaning of the act in that its label stated in part:

"Glass Wax	NEW FORMULA disinfects, too!	GOLD SEAL	Glass Wax
---------------	---------------------------------	--------------	--------------

	NEW MULTI-USE	
Cleans	G l a s s	Cleans
Polishes	W a x	Polishes
Disinfects	GLASS AND METAL CLEANER	Disinfects
Windows & Mirrors		Refrigerators & Stoves

	CLEANS. POLISHES. DISINFECTS* WINDOWS, CHROME, SILVERWARE REFRIGERATORS, STOVES, TILE contains *GERMICIDE G-17	
--	---	--

Auto Bodies & Chrome Silverware		Tile Metal Appliances
---------------------------------------	--	-----------------------------

	New Multi-use G l a s s W a x Cleans-Polishes-Disinfects Glass and Metal Surfaces	
--	--	--

"GLASS WAX" dissolves and absorbs dirt in seconds.
Now with *Germicide G-17 "GLASS WAX" disinfects every surface it cleans.

DIRECTIONS:

1. Shake can.
2. Pour just a small amount of "GLASS WAX" on a damp cellulose sponge.
3. Apply thin coat evenly on entire surface to be cleaned (for uneven surfaces such as silverware, apply with soft cloth).
4. Wipe surface clear with soft clean cloth.

For best results, USE SPARINGLY

* * *

and such statements were false or misleading since they implied or represented that the product, when used as directed, would disinfect windows, mirrors, automobile bodies, chrome, silverware, refrigerators, stoves, tile, metal appliances, and all other articles and surfaces implied by the words "Glass and Metal Surfaces" and "every surface;" whereas, the product, when used as directed, would not disinfect windows, mirrors, automobile bodies, chrome, silverware, refrigerators, stoves, tile, metal appliances, or all other articles or surfaces implied by the words "Glass and Metal Surfaces" and "every surface."

Gold Seal Co., Bismarck, N. Dak., claimed ownership of the product and requested its release under bond, for purpose of bringing it into compliance with the act and consented to the entry of a condemnation decree. On May 22, 1961, a decree of condemnation was entered and it was ordered that the product be released to the claimant under bond.

343. Lack of registration of "SANIDINE." U.S. v. 31 one-gallon containers, more or less, of "SANIDINE." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 388. I.D. No. 38079.)

The product "SANIDINE" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On March 30, 1961, the United States Attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 31 one-gallon containers, more or less, of "SANIDINE," at Tucson, Ariz., and alleging that the product was an economic poison which had been transported interstate on or about October 17 and October 25, 1960, by Central Iodine, Inc., from Dallas, Tex., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On August 21, 1961, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

344. Lack of registration and misbranding of "ALL-NIGHT MOSQUITO LOTION." U.S. v. 798 three-ounce bottles, more or less, of "ALL-NIGHT MOSQUITO LOTION." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 383. I.D. No. 39250.)

The product, "ALL-NIGHT MOSQUITO LOTION," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels borne by the product did not bear an ingredient statement as required by the act.

On March 20, 1961, the United States Attorney for the Eastern District of Arkansas, Western Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 798 three-ounce bottles, more or less, of "ALL-NIGHT MOSQUITO LOTION," at Little Rock, Ark., alleging that the product was an economic poison which had been transported interstate, on or about March 17, 1960, by Chambers Laboratory from Poteau, Okla., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the product was misbranded in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with

the total percentage of the inert ingredients, or an ingredient statement giving the name of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients, in the product.

On May 22, 1961, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered, and it was ordered that the United States Marshal destroy the product.

- 345. Lack of registration and required information on label and misbranding of "DIXSOLINE."** U.S. v. 34 one-gallon cans, more or less, of "DIXSOLINE." Default decree of condemnation, forfeiture and destruction. (I.F. & R. No. 345. I.D. No. 37160.)

The product "DIXSOLINE" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels borne by the containers of the product did not bear a statement of net weight or measure of the contents of the containers and did not bear an ingredient statement as required by the act.

On April 22, 1960, the United States Attorney for the Eastern District of North Carolina, Raleigh Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 34 one-gallon cans, more or less, of "DIXSOLINE," at Raleigh, N.C., and alleging that the product was an economic poison which had been transported interstate on or about June 13, 1958 and May 28, 1959, by Dixie Chemical Co., Inc., from New Orleans, La., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the labels on the containers of the product did not bear a statement of the net weight or measure of the contents of the containers.

It was further alleged that the product was misbranded within the meaning of the act in that its labels did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product or the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

On October 4, 1960, no claimant having appeared, a decree of condemnation and destruction was entered, and it was ordered that the United States Marshal destroy the product.

- 346. Lack of registration of "AGSCO 300 ESTER, A WEED KILLER."** U.S. v. 39 one-gallon containers, more or less, of "AGSCO 300 ESTER, A WEED KILLER." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 410. I.D. No. 39607.)

The product, "AGSCO 300 ESTER, A WEED KILLER" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On August 21, 1961, the United States Attorney for the District of South Dakota, Northern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 39 one-gallon containers, more or less, of "AGSCO 300 ESTER, A WEED KILLER," at Watertown, S. Dak., alleging that the product was an economic poison which had been transported interstate, on or about May 12, 1961, by Agsco Chemicals, Inc., from Grand Forks, N. Dak., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On September 26, 1961, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

- 347. Lack of registration of "W. A. BUTLER CO. GLYCOL AIR SANITIZER," and "WA B CO INSECT SPRAY."** U.S. v. 140 sixteen-ounce containers, more or less, of "W. A. BUTLER CO. GLYCOL AIR SANITIZER," and 68 fourteen-ounce containers, more or less, of "WA B CO INSECT SPRAY." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 394. I.D. Nos. 40015, 40016.)

The products "W. A. BUTLER CO. GLYCOL AIR SANITIZER," and "WA B CO INSECT SPRAY," were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On May 4, 1961, the United States Attorney for the Southern District of Ohio, Eastern Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 140 sixteen-ounce containers, more or less, of "W. A. BUTLER CO. GLYCOL AIR SANITIZER," and 68 fourteen-ounce containers, more or less, of "WA B CO INSECT SPRAY," at Columbus, Ohio, alleging that the products were economic poisons which had been transported interstate, on or about October 17 and December 28, 1960, respectively, by Chem Tech, Inc., from Memphis, Tenn., in violation of the act.

It was alleged that the products were not registered with the Secretary of Agriculture as required by section 4 of the act.

On August 10, 1961, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the products.

348. Lack of registration of "RX SAFE AIR THE FRAGRANT ROOM REFRESHER THAT SANITIZES." U.S. v. 234 eight-ounce containers, more or less, of "RX SAFE AIR THE FRAGRANT ROOM REFRESHER THAT SANITIZES." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 382. I.D. No. 38661.)

The product, "RX SAFE AIR THE FRAGRANT ROOM REFRESHER THAT SANITIZES," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On March 15, 1961, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 234 eight-ounce containers, more or less, of "RX SAFE AIR THE FRAGRANT ROOM REFRESHER THAT SANITIZES," at New Haven, Conn., alleging that the product was an economic poison which had been transported interstate, on or about November 16, 1960, by Lynwood Laboratories from Norwood, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On September 28, 1961, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to destroy the product.

349. Lack of registration of "SUPRE MACY POOL WATER PURIFIER." U.S. v. 168 five-pound containers, more or less, and 191 sixteen-ounce containers, more or less, of "SUPRE MACY POOL WATER PURIFIER." Consent decree of condemnation and release under bond. (I.F. & R. No. 402. I.D. No. 39537.)

The product "SUPRE MACY POOL WATER PURIFIER," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On June 29, 1961, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 168 five-pound containers, more or less, and 191 sixteen-ounce containers, more or less, of "SUPRE MACY POOL WATER PURIFIER," at Bloomfield, N.J., alleging that the product was an economic poison which had been transported interstate on or about May 25, 1961, by Pool City Products, Inc., from Maspeth, N.Y., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

Pool City Products, Inc., Maspeth, N.Y., claimed ownership of the product, requested its release under bond for the purpose of bringing it into compliance with the act, and consented to the entry of a condemnation decree. On September 11, 1961, a decree of condemnation was entered and it was ordered that the product be released to the claimant under such bond.

350. Lack of registration of "BURTON BRAND POOL SANITIZER." U.S. v. 2,326 fourteen-ounce containers, more or less, of "BURTON BRAND POOL SANITIZER." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 400. I.D. No. 39532.)

The product, "BURTON BRAND POOL SANITIZER," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On June 19, 1961, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 2,326 fourteen-ounce containers, more or less, of "BURTON BRAND POOL SANITIZER," at Garfield, N.J., alleging that the product was an economic poison which had been transported interstate, on or about May 8 and May 10, 1961, by Burton Chemical Co., Inc., from Jamaica, L.I., N.Y., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On August 8, 1961, no claimant having appeared, a decree of condemnation and forfeiture was entered and the United States Marshal was ordered to destroy the product.

351. Lack of registration and misbranding of "AUTO FLO PERMANENT WASHABLE AIR FILTER WITH BUILT-IN GERM KILLING POWER." U.S. v. 38 units, more or less, of "AUTO FLO PERMANENT WASHABLE AIR FILTER WITH BUILT-IN GERM KILLING POWER." Default decree of condemnation, forfeiture, and destruction. (I.F. & R. No. 392. I.D. No. 40020.)

The product, "AUTO FLO PERMANENT WASHABLE AIR FILTER WITH BUILT-IN GERM KILLING POWER," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels affixed to the containers of the product did not bear an ingredient statement as required by the act.

On May 4, 1961, the United States Attorney for the Northern District of Ohio, Western Division, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure for condemnation and confiscation of 38 units, more or less, of "AUTO FLO PERMANENT WASHABLE AIR FILTER WITH BUILT-IN GERM KILLING POWER," at Toledo, Ohio, alleging that the product was an economic poison which had been transported interstate, on or about April 4, 1960, by Auto-Flo Corporation, from Detroit, Mich., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the product was misbranded within the meaning of the act in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the product, or, in the alternative, an ingredient statement giving the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, in the product.

On September 25, 1961, a consent decree of condemnation and forfeiture was entered, and the United States Marshal was ordered to release the units in question to the Toledo Community Chest, Toledo, Ohio, for their use.

INDEX TO NOTICES OF JUDGMENT 332-351

	N.J. No.		N.J. No.
Agsco 300 Ester, A Weed Killer		Lawton Insect Killer Bomb	
Agco Chemicals, Inc.----	346	Aerosol Corporation of the South-----	339
All-Night Mosquito Lotion		Norkem Malathion Grain Protectant	
Chambers Laboratory----	344	De-Pester Western, Inc.---	333
Auto Flo Permanent Washable Air Filter with Built-In Germ Killing Power		RX Safe Air The Fragrant Room Refresher That Sanitizes	
Auto-Flo Corporation----	351	Lynwood Laboratories---	348
Brisk Air Sanitizer		Sanidine	
Chase Products Co.-----	334	Central Iodine, Inc.-----	343
Burton Brand Pool Sanitizer		Sani-Dine Iodine Sanitizer and Disinfectant	
Burton Chemical Co., Inc.---	350	Elwood Chemical Co.-----	341
W. A. Butler Co. Glycol Air Sanitizer		Sano-Kol Chlorinated Sterilizer and Disinfectant	
Chem Tech, Inc.-----	347	Elwood Chemical Co.-----	341
C-Clear For the Convenient Treatment of Swimming Pool Water		Speedlite BF-811	
Barron Sales Corp.-----	338	Patek & Co.-----	337
Chloro IPC Granules		Supre Macy Pool Water Purifier	
Jack Wilson Chemical Co.---	336	Pool City Products, Inc.---	349
Dixsoline		Surdeath Non-Toxic Pyrocid Insect Spray	
Dixie Chemical Co., Inc.---	345	Aerosol Corporation of the South-----	340
Fly Ban Insecticide Cord		Tomac Permachem #21	
C-Jay-C Chemicals, Ltd.---	332	Permachem Corp.-----	335
Glass Wax, Glass and Metal Cleaner		Tomac Permachem #51	
R. M. Hollingshead Corp.		Permachem Corp.-----	335
Gold Seal Co., Inc.-----	342	WA B Co Insect Spray	
I-Clear A Liquid Germicide for Swimming Pool Water		Chem Tech, Inc.-----	347
Barron Sales Corp.-----	338		

UNIVERSITY OF FLORIDA



3 1262 08588 8385